IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 634 of 2000

CRL.A.265/1998 OF SESSIONS COURT, THRISSUR,
CC.105/1995 OF JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM
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REVISION PETITIONER:
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1. **SURESH,**
   S/O. PATTATHIL KUMARAN NAIR,
   KADAVALLUR VILLAGE, KORATTIKARA DESOM,
   THRISSUR DISTRICT.

2. **DEVADAS,**
   S/O. PANNISSERY KORAN,
   KADAVALLUR VILLAGE, KORATTIKKARA DESOM,
   THRISSUR DISTRICT.

3. **ALIMON,**
   S/O. PARAMBATHAZHATH IBRAHIM,
   KADAVALLUR VILLAGE,
   KORATTIKKARA DESOM,
   THRISSUR DISTRICT.

4. **VIJAYAKUMAR,**
   S/O. UTTULLIVALAPPIL MADHAVAN,
   KADAVALLUR VILLAGE,
   KORATTIKKARA DESOM,
   THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU,
SMT.MINI JOHN PAREMALIL.

CRL.R.P. NO. 634/2000:

RESPONDENT/ RESPONDENT/ COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 3527/2000 IN CRL.R.P. NO. 634/2000-A

DISMISSED

14/11/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.R.P.No.634 of 2000

Dated this the 14th day of November, 2007

O R D E R

The revision petitioners, 4 in number, are the accused 3 to 5 and 9 in C.C.No.105/95 stands convicted for the offences under Sections 143, 147, 148, 341, 447, 426, 324 read with Section 149 IPC and sentenced to undergo simple imprisonment for six months each for the offences under Sections 143, 148 and 324 IPC and to undergo simple imprisonment for three months each and to pay a fine of Rs.500/- each for the offence under Section 426 IPC and to undergo simple imprisonment for one month each for the offence under Section 341 IPC and also to undergo simple imprisonment for three months for the offence under Section 447 IPC. No separate sentence was awarded for the offence under Section 147 IPC. The sentences will have to run concurrently.

2. It is submitted that A1 is no more. A7 is still absconding. A6 and A8 were acquitted. Subsequently, A2 was tried separately in the split up case in C.C.No.556/98 and A2 was also acquitted noting that the matter has been amicably settled in between the parties. The incident was the result of dispute between the supporters of two different political groups. PW1 has

sustained injuries.

3. The counsel for the revision petitioners has only sought for modification of the sentence. It is pointed out that more than 13 years have elapsed since the date of the incident and the commencement of the proceedings and that the accused was so far facing the criminal proceedings. It is also submitted that the earnings of the revision petitioners are the only means of livelihood of their families.

4. In the circumstances, considering the long lapse of time, the sentence imposed for the offence under Section 324 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.5,000/- each to PW2, the injured, and in default, to undergo simple imprisonment for three months each. No separate sentence is awarded for the rest of the offences. The revision petitioners shall appear before the Judicial First Class Magistrate Court, Kunnamkulam on 18.12.2007 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl